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11	CIGNA HEALTH AND LIFE INSURANCE COMPANY				
12					
13	UNITED STATES DISTRICT COURT				
14	NORTHERN DISTRICT OF CALIFORNIA				
15					
16	SUNNYVALE IMAGING CENTER,) CASE NO. 12-cv-03404 LHK			
17	Plaintiff,	JOINT REQUEST FOR AND			
18	VS.) [PROPOSED] ORDER CONTINUING) ALL DATES BY SIXTY DAYS DUE			
19 20	CIGNA HEALTH AND LIFE INSURANCE COMPANY, a Connecticut Corporation, and DOES 1-10, inclusively,	TO SIGNIFICANT INCREASE INNUMBER OF CLAIMS AT ISSUE INCASE			
21	Defendants.))			
22)			
23	This case is unlike most ERISA cases because it involves hundreds of separate claims				
24	for payment of medical benefits for MRI services provided to hundreds of different patients, all				
25	of whom are participants in different employee b	of whom are participants in different employee benefit plans.			
26	In its Complaint in this case, Plaintiff Sur	In its Complaint in this case, Plaintiff Sunnyvale Imaging Center ("Plaintiff") asserted			
27	that it is in the business of providing MRI and related services to patients, it provided such				
28	services to persons who were either insured by D	Defendant Cigna Health and Life Insurance			
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Case 5:12-cv-03404-BLF Document 19 Filed 04/18/13 Page 2 of 4

Company ("Defendant") or whose medical plan was administered by Defendant, it is an out-of-
network provider that does not have a reimbursement rate contract with Defendant, that it
submitted claims to Defendant for payment, and that Defendant either did not pay or underpaid
approximately two-hundred and fourteen (214) of those claims.

Last month, Plaintiff identified an additional one-hundred and seventy-two (172) claims that are now at issue in this case. These new claims almost double the number of claims that were previously at issue in the case and bring the total number of claims to approximately three-hundred and eighty-six (386) claims.

The increasing number of claims at issue in this case has hindered the parties' ability to prepare for mediation under the current schedule because each claim requires an individual analysis. For each claim, the parties must determine the amount the patient's benefit plan allows for out-of-network MRIs and related services, the amount of the patient's co-insurance and co-pay, the amount of the patient's deductible and whether or not it has been satisfied, the amount that has already been paid, and to whom the payment was sent (*i.e.*, the patient or the Plaintiff). This is a labor-intensive and time-consuming process. The parties continue to work cooperatively and diligently to perform this process.

The parties have not previously requested the continuance of any of the dates set by the Court in this case. This is the first request.

The parties also participated in a telephone conference with the Court-appointed mediator, George Wailes, and he was also of the opinion that more investigation into the claims was needed for the mediation to be productive.

For these reasons, the parties request that the Court continue all of the pre-trial and trial dates by approximately sixty (60) days so that the parties can continue their analysis and preparation for mediation. Specifically, the parties request the following:

- 1. Completion of Court-sponsored mediation to be continued from April 19, 2013 to June 14, 2013;
- 2. Close of fact discovery continued from June 14, 2013 to July 26, 2013;
- 3. Opening expert reports continued from June 28, 2013 to August 8, 2013;

Case 5:12-cv-03404-BLF Document 19 Filed 04/18/13 Page 3 of 4

1	4 .	Rebuttai expert rep	orts continued from July 12, 2013 to August 23, 2013;	
2	5.	Close of expert discovery from July 26, 2013 to September 9, 2013;		
3	6.	Last day to file dispositive motions continued from August 8, 2013 to October		
4		10, 2013;		
5	7.	Last day to hear dis	spositive motions continued from September 19, 2013 to	
6		November 14, 2013	3;	
7	8.	Pre-trial conference	e continued from November 7, 2013 to January 9, 2014;	
8	9.	Trial continued from	m December 2, 2013 to February 3, 2014.	
9				
10	The parties respectfully submitted this request and assert that good cause exists for			
11	granting the requested relief.			
12	Dated: Apri	18, 2013	LAW OFFICE OF JAMES M. BARRETT	
13			By: <u>/S/ James M. Barret</u> James M. Barret	
14			Attorney for Plaintiff SUNNYVALE IMAGING CENTER	
15			SONN I VALE IMAGING CENTER	
16	Dated: Apri	18, 2013	WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP	
17			By:/S/ Donald P. Sullivan	
18			Donald P. Sullivan Attorney for Defendant	
19			CIGNA LIFE AND HEALTH INSURANCE COMPANY, INC.	
20			n locality of contract, into	
21	[PROPOSED] ORDER			
22	For good cause shown, the Court hereby grants the parties' joint request and modifies			
23	the scheduling order in this case as follows:			
24	1.	Completion of Court-sponsored mediation to be continued from April 19, 2013		
25		to June 14, 2013;		
26	2.	Close of fact discov	very continued from June 14, 2013 to July 26, 2013;	
27 20	_			
28	3.	Opening expert rep	orts continued from June 28, 2013 to August 16, 2013;	
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Case 5:12-cv-03404-BLF Document 19 Filed 04/18/13 Page 4 of 4

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2	4.	Rebuttal expert reports continued from July 12, 2013 to September 6, 2013;
3		
4	5.	Close of expert discovery from July 26, 2013 to September 27, 2013;
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6	6.	Last day to file dispositive motions continued from August 8, 2013 to October
7		17, 2013;
8	7.	Last day to hear dispositive motions continued from September 19, 2013 to
9		December 12, 2013
10	8.	Pre-trial conference continued from November 7, 2013 to January 30, 2014;
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12	9.	Trial continued from December 2, 2013 to February 18, 2014.
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14		
15	IT IS SO OR	
16		Lucy II Kal
17	Date: April 18, 2013 The Jon. Lucy H. Koh United States District Judge	
18		United States District Judge
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